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OGC HAS REVIEWED.

26 July 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Expert and Consultant Legislation

1. During conversation with Mr. Fisher, General Counsel for the Comptroller General, on 25 July 1949, I asked him if he foresaw any legislation which would be proposed to clear up the various complications recently encountered with experts, consultants, and other temporary employees. He said he knew of no proposed legislation, and asked if their recent Decision putting a maximum of one year service on such employment had interfered with our plans as he assumed we needed considerable assistance on this matter. I said that luckily we had gone over the expert and consultant problem last year in another connection and had pretty well gotten the situation straightened out, although it was foreseen problems would arise out of the one year limitation.

2. I said it seemed unclear what the situation was on those consultants who were truly intermittent, but were kept available for call. Mr. Fisher said he himself wouldn't give that question a second thought, but that if they were truly intermittent, they could be used indefinitely without question. He said he realized that there were other situations where an individual's unique or highly specialized knowledge had been utilized for years by various departments of the agencies. He said he had received one letter from a man who had worked for various government offices fairly steadily for the last 20 years and now assumed he was ineligible for further duty. Mr. Fisher said this was not necessarily the case. They still maintained that by and large, if a job would occupy a man for more than a year, it should be a permanent job, but he foresaw strict enforcement only in those cases where there appeared to be evasion of this basic principle. However, if a man were moving, even in one agency, from office to office on a consultant basis, there need be no limitation on time on his use as a consultant.

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Approved For Release 2001/08/27 : CIA-RDP57-00384R000500070045-3

3. This is some clarification of the recent ruling, but it would seem that we should continue a fairly stringent control of the use of experts and consultants to avoid any charge of intent to abuse the one year principle.

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LAWRENCE R. HOUSTON  
General Counsel

cc: Budget Officer  
Personnel Officer

Route to: Executive for Info

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